

Attorney's Docket No. 5800-79



Dep & Ref RM 307

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Glucksmann et al.
Appl. No.: 09/495,823 Group Art Unit: 1643
Mailed: January 31, 2000 Examiner: Not Yet Assigned
For: 22438, 23553, 25278, AND 26212 NOVEL HUMAN SULFATASES

June 5, 2000

Assistant Commissioner for Patents
ATTN: Special Program Law Office
Washington, DC 20231

RECEIVED

AUG 22 2000

**PETITION TO GRANT FILING DATE
And To Refund Petition Fee**

OFFICE OF PETITIONS

Sir:

As set forth in MPEP §506.02, Applicant hereby petitions to grant the proper filing date of January 31, 2000, rather than February 1, 2000, for the above-identified utility patent application. The following is enclosed as evidence of January 31, 2000, being the correct filing date under 37 C.F.R. § 1.10:

1. A copy of the Cover Sheet for the above-referenced application showing the Express Mail Number (EL039496501US) for the Express Mail package containing a copy of this application along with the Cover Sheet;
2. A copy of the relevant page from the Secretary's Log of PTO Mailings showing the application for Attorney Docket No. 5800-79 was transmitted to the PTO on January 31, 2000;
3. An Affidavit signed by Nora Martinez, which states that she is the secretary who keeps the Logbook cited in item 15 above, and that she entered the information regarding the date the present application was transmitted to the PTO;
4. A copy of the Alston & Bird, LLP Courier Service Logbook showing the accept and pickup date for Express Mail Number EL039496501US as January 31, 2000;
5. An Affidavit signed by Ian Alexander Allen will be submitted under separate cover, which states that he personally delivered Express Mail Number EL039496492US into the hands of a U.S. postal employee behind the Express Mail window at a U.S. Post Office on January 31, 2000; and

RECEIPT ACCOUNTING
DIVISION
JUN 13 2000

6. A copy of the printout for the Action Screen for the present application (Attorney Docket No. 5800-79), which was obtained from the Alston & Bird, LLP Patent Database showing the Action Type as "App Sent PTO" on January 31, 2000.

Applicants respectfully submit that the above-referenced application was deposited in good faith with the Express Mail Service on January 31, 2000 as noted on the Cover Sheet (item 1). Applicants submit as further evidence a copy of the Secretary's Log of PTO Mailings, showing that the Utility Application for Attorney Docket No. 5800-79 was mailed on this date (item 2). A signed Affidavit to this effect is concurrently submitted herewith (item 3).

As further evidence, Applicants submit herewith a copy of the Alston & Bird Courier Service Logbook showing that Express Mail Package EL039496501US was accepted by the courier on January 31, 2000 (Item 4). An unsigned Affidavit to this effect is also submitted herewith (Item 5).

Applicants also submit a copy of the printout of the Action Screen for this Attorney Docket No. (Item 6) obtained from the Alston & Bird Patent Database. This Patent Database serves as a computerized docketing system that provides a history of all actions taken during prosecution of an application. Thus, the firm's docketing system tracks critical due dates and final dates of all actions received from the U.S. Patent and Trademark Office with respect to a particular application. In addition, non-due-date types of actions, such as the mailing of an application, assignment, declaration, and all communication letters, are also tracked.

When original documents are received from the PTO, they are entered into the Patent Database. The information once entered is distributed to attorneys by means of docket reports. The reports identify what action is due (i.e., U.S. Rejection) and whether it is a due date with extensions or a final date. When an action has been satisfied, the secretary submits the Patent Docket Control Sheet to the docketing department, and the due date or final date is then closed. Closing an action prevents it from appearing on future docket reports. Even though the action is closed it is retained as history. For non-due-date types of actions, such as the mailing of an application, the secretary notes the action on the Patent Docket Control Sheet and submits the sheet to the docketing department so that the action can be noted in the Patent Database. Just as

In re: • Glucksmann et al.
Appl. No.: 09/495,823
Mailed: January 31, 2000
Page 3

for due-date types of actions, once a non-due-date action is entered into the history for the application, the action is closed.

Alston & Bird has various levels of security placed on the Patent Database to prevent modification of history of actions taken on a particular application. Only authorized persons (docketing staff, a few individuals in the foreign department, the head of the Patent Solicitation Group at Alston & Bird's Intellectual Property Group, and the head paralegal for Patent Solicitation) have the ability to add, delete, or modify data. All others in the firm have only the ability to print, browse, and view the information in the Patent Database. They cannot alter the database in any way.

There is no error on the part of Applicant. Accordingly, Applicant respectfully requests the granting of January 31, 2000 as the filing date. Please charge our Deposit Account No. 16-0605 in the amount of \$130.00 for payment of the petition fee as set forth in 37 CFR § 1.17(I). Any additional fee may also be charged or any overpayment credited to our Deposit Account No. 16-0605. Because no defect existed, however, Applicant also respectfully requests refund of the petition fee.

Respectfully submitted,

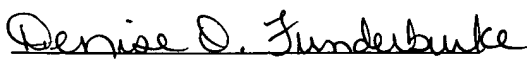


W. Murray Spruill
Registration No. 32,943

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Charlotte, NC 28234-4009
Tel Raleigh Office (919) 420-2200
Fax Raleigh Office (919) 420-2260
RTA01/2078863v1

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Attn: Special Program Law Office, Washington, DC 20231, on June 5, 2000.


Denise O. Funderburke

UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No. 5800-79
	First Inventor or Application Identifier: Glucksmann et al.
	Title of Invention: 22438, 23553, 25278, AND 26212 NOVEL HUMAN SULFATASES
	Express Mail Label No. EL039496501US

ADDRESS TO: ASSISTANT COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
WASHINGTON, DC 20231

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Maria Alexandra Glucksmann
Mark Williamson

1. ☒ The Filing Fee has been calculated as shown below:
(Submit an original, and a duplicate for fee processing)

	No. Filed	No. Extra	Small Entity Rate Fee 0	Large Entity Rate Fee 0
BASIC FEE			\$0	\$ 690
TOTAL CLAIMS:	954 - 20 =	934	X 9 = \$0	x 18 = \$16,812
INDEP CLAIMS:	11 - 3 =	8	X 39 = \$0	x 78 = \$ 624
<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+130 = \$	+260 = \$ 260
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$	TOTAL \$ 18,386

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-0605.

- a. ☐ Fees required under 37 CFR 1.16 (National filing fees).
b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).
☐ A check in the amount of \$ ___ for the filing fee is enclosed.
☒ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
2. ☒ Specification; Total Pages 119
3. ☒ 25 Sheets of Formal Drawing(s) (35 USC 113)

4. ☐ Declaration and Power of Attorney; [Total Pages ____]
- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 16 completed)
- i. ☐ DELETION OF INVENTOR(S) Signed statement
attached deleting inventor(s) named in the prior
application, see 37 CFR 1.63(d)(2) & 1.33(b).
5. ☐ Microfiche Computer Program (Appendix)
6. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Copy
- b. ☐ Paper Copy (identical to computer copy)
- c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
8. ☐ 37 CFR 3.73(b) Statement (when there is an assignee); ☐ Power of Attorney
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449; ____ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
13. ☐ Small Entity Statement(s)
☐ Statement filed in prior application; status still proper and desired.
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
Foreign Priority is
15. ☐ Other: ____
16. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment:**
- ☐ Continuation ☐ Divisional ☐ Continuation in Part (CIP)
of prior Application No: ____; Filed ____

Prior Application Information: Examiner

Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. **CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label **000826**

Attention Of: Anne Brown

Signature: _____

Anne Brown

Attorney of Record: Anne Brown

Attorney Registration No. 36,463

Tel Raleigh Office (919) 420-2200

Fax Raleigh Office (919) 420-2260

ALSTON & BIRD LLP

P.O. Drawer 34009

Charlotte NC 28234-4009

"Express Mail" mailing label number EL039496501US

Date of Deposit January 31, 2000

EL039496501US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner For Patents, Washington, DC 20231.

Nora C. Martinez

Nora C. Martinez

RTA01/2073097v1

SECRETARY'S LOG OF PTO MAILINGS/STAMPED POST CARD RETURNS

Date	Patent Docket No.	Document Transmitted to PTO	Docket Sheet Marked--to Docketing	Client Advised	Stamped Post Card Returned
1/10/00	5817-7D	DIV APP w/Prelim Amend, Dec, Fee, IDS + other docs	1/12		1/31
1/10/00	5800-57	Response to NTFMP. Dec + Fee	1/12	1/10	1/18
1/10/00	5800-57	Assignment	1/12	1/10	1/31
1/11/00	5817-7E	DIV APP w/Prelim Amend, Dec Fee + other docs	1/12	1/	1/31
1/12/00	5817-7F	DIV APP w/Prelim Amend, Dec, Fee + other docs	1/12		1/31
1/14/00	5784-4A	Submission of Formal Docs ^{+ NOTICE OF ALLOW TO CHRON TO PAIR}	1/14	1/14	1/21
1/18/00	5817-7G	DIV APP w/Prelim Amend, Dec Fee + other docs	1/18		1/31
1/18/00	5817-7H	↓	↓		2/1
1/18/00	5817-7I				2/1
1/18/00	5817-7J				2/2
1/18/00	5817-7K				2/1
1/18/00	5817-7L				2/1
1/21/00	5800-70	DRAFT APP TO CLIENT	X	X	X
1/21/00	5800-105	" "			
1/31/00	5800-79	APP w/o Fee, Dec OR Seq Listing	2/1	1/31	2/14
2/1/00	5718-32-2	INSTRUCTIONS TO ASSOCIATE - FAXED	2/1	2/1	X
2/2/00	5626-16 ^{LN}	POWER TO INSPECT TO Peter Schillini	2/3	X	
2/2/00	5800-31	Response to NTF Seq Listing w/dkt + PAIR	2/3	2/2	2/14
2/2/00	5800-39	Response to NTFMP w/Dec + Fee.	2/3	2/2	2/11
2/2/00	5800-39	ASSIGNMENTS	2/3	2/2	3/2
2/4/00 ^{JS}	5800-47	IDS w/PTO 1449 Req For Corrected Filing Receipt +	2/7	2/4	2/14
2/4/00 ^{JS}	5800-57	IDS, PTO 1449 + Ref	MISSING 2/7	2/4	2/14
2/4/00 ^{JS}	5800-56	Req For Corrected Filing Receipt, PTO 1449, IDS + L Ref	2/7	2/4	2/14 - 2/21
2/3/00 ^{JS}	5800-68	Req For Corr Filing Receipt	2/7	2/3	2/14
2/3/00	5800-27	Req For Corr Filing Receipt	2/7	2/3	2/11

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In re: Glucksman *et al.*
Appl. No.: 09/495,823 Group Art Unit: 1643
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For: 22438, 23553, 25278, AND 26212 NOVEL HUMAN SULFATASES

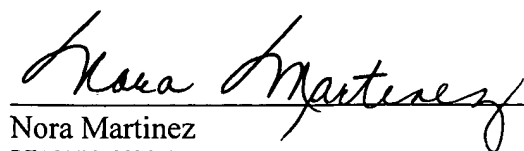
Assistant Commissioner for Patents
Washington, DC 20231

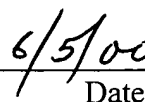
AFFIDAVIT OF SECRETARY'S LOG OF PTO MAILINGS

Sir:

I, Nora Martinez, hereby certify that I am the individual who maintains the Secretary's Logbook of PTO Mailings from which the copy of the page submitted concurrently herewith was obtained. As a current employee of Alston & Bird, LLP, I maintain this logbook in accordance with firm policy to keep track of the date of mailing of all communications that I am in charge of sending to the United States Patent and Trademark Office (PTO). Further, on January 31, 2000, I entered into my Secretary's Logbook of PTO Mailings the mailing date of January 31, 2000, for the Utility Patent Application for Attorney Docket No. 5800-79. I further certify that I am over the age of 21 and I am not a party or an attorney in this action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Nora Martinez
RTA01/2078825v1


Date

USPS TRACKING LOG

MONTH OF January

DATE	TRACKING #	CLIENT/MATTER #	SHIPPER #	MAIL TO:
1/28	E1039497524US	35718/186131		Asst. Comm. of Patents Box RT Wash DC 20231 ATR: RO/US
1/31	E103949692US	35800/193221		SAA
1/31	E1039496501US	35800/191890		SAA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No.: 09/495,823 Group Art Unit: 1643
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For: 22438, 23553, 25278, and 26212 NOVEL HUMAN SULFATASES

Assistant Commissioner for Patents
Washington, DC 20231

AFFIDAVIT OF PERSONAL DELIVERY

Sir:

I, Ian Alexander Allen, hereby certify that I personally served a United States Postal Service "Express Pak", Tracking Number EL039496501US, for next day delivery in the above-captioned matter upon a U.S. postal employee behind the Express Mail window, by personally delivering said "Express Pak", Tracking Number EL039496501US to him, on January 31, 2000 at the South Cargo Post Office, RDU International Airport, Raleigh, North Carolina. I further certify that I am over the age of 21 and I am not a party or an attorney in this action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Ian Alexander Allen

Date

JUN. -01' 00 (THU) 07:47

ALSTON & BIRD

P. 004

Actions

Record found

Record 134126 on screen

ACTIONS DUE

Client: 005800 Matter: 79 Country: US Sub Case:
Working Atty: ARB ARB WMS User: jan
APP SENT P 00580079US 00580079USAPP SENT PTO01/31/00

Action Due	Due Date	Indicator
Action Type: APP SENT PTO PTO Date: 01/31/00	/ /	
	/ /	
Response Sent Dt: 01/31/00	/ /	
Action Status Chk: 07/31/00	/ /	
Completed: yes	/ /	

Remarks:

Report:

Today's Date: 06/01/00

Last Update: 02/19/00

F4CMDHELP ESCEXIT F2SAVE SH-F1TABLE F3VIEW F7DEL F8MODIFY F9QBE F10MULTI